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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

BRENT SCHAFER and TODD
CONSTRUCTION, INC., an Oregon
corporation,

Plaintiffs,

v.

ASSOCIATION FOR SMALL,
CLOSELY HELD BUSINESSES, a
Delaware corporation; CRONIN
INSURANCE SERVICES, INC., a
California corporation; ELLEN A.
CRONIN, in her capacity as Executor of
the ESTATE OF LAWRENCE D.
CRONIN; and KENNETH FEHL,

Defendants.

Case No. C 13-00659 WHA

**JOINT STIPULATION TO DISMISS
DEFENDANT ELLEN A. CRONIN
WITHOUT PREJUDICE**

CMC: May 30, 2013

WHEREAS, on March 11, 2013, Plaintiffs filed the First Amended Complaint in which Plaintiffs alleged, among other things, that Ellen A. Cronin, in her capacity as Executor of the Estate of Lawrence D. Cronin ("Ms. Cronin"), was liable to Plaintiffs for conversion;

WHEREAS, on May 22, 2013, after meeting and conferring with counsel for Ms. Cronin, Plaintiffs were first informed that Ms. Cronin is not the executor of Mr. Cronin's estate, that there are no appreciable assets subject to probate, and that the Internal Revenue Service has assessed a priority lien against Mr. Cronin's estate in excess of \$4.3 million;

1 WHEREAS, Plaintiffs and Ms. Cronin wish to avoid unnecessary motion;

2 WHEREAS, Ms. Cronin has not filed an answer or a motion for summary judgment;

3 WHEREAS, Plaintiffs and Ms. Cronin stipulate and agree that, pursuant to Rule 41(a) of
4 the Federal Rules of Civil Procedure, Ms. Cronin will be dismissed from this action without
5 prejudice;

6 THEREFORE, Plaintiffs and Ms. Cronin hereby stipulate, through their counsel of
7 record, that Ellen A. Cronin, named in her capacity as Executor of the Estate of Lawrence A.
8 Cronin, is dismissed from this action without prejudice.

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11 SUSSMAN SHANK LLP

12 By /S/
13 Clifford S. Davidson

14 Attorneys for Plaintiffs Brent Schafer and Todd Construction, Inc

15 I hereby attest that I have on file all holographic signatures corresponding to any signatures
16 indicated by a conformed signature (/S/) within this e-filed document.

17
18 CARR, McCLELLAN, INGERSOLL, THOMPSON & HORN P.C.

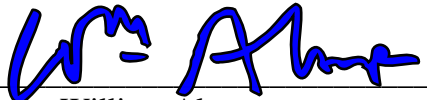
19 By /S/
20 Mark D. Hudak

21 Attorneys for Defendant
22 Ellen A. Cronin, as Executor of the Estate of Lawrence D. Cronin

23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24 May 29, 2013.

25 Date

26 
27 Judge William Alsup
28 United States District Judge